



March 24, 2015

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (2822T)
Washington DC 20460
O: 202-566-1667

Re: Freedom of Information Act request

Dear EPA FOIA Officer,

Please consider this a request under provisions of the Freedom of Information Act and the Electronic Freedom of Information Act, 5 U.S.C § 552.

I am requesting copies of all emails between former Secretary of State Hillary Rodham Clinton -- including all correspondence sent to and from private email addresses that include, but are not limited to, hdr22@clintonemail.com -- and former Environmental Protection Agency Administrator Lisa P. Jackson and all other agency officials in the period between January 21, 2009 and February 1, 2013.

Because I am a member of the news media primarily engaged in disseminating information, I have an "urgency to inform" the public about an activity of the federal government in accordance with § 552 (a)(6)(E)(v). Such a request for expedited processing meets established criteria for demonstrating a "compelling need": the records concern a matter of current exigency to the American public; that their delay would compromise a significant recognized interest; and that they concern federal government activity. See generally *Al-Fayed v. C.I.A.*, 254 F.3d.300, 310 (D.C. Cir. 2001).

These records pertain to former Secretary Clinton's communications with key officials during her term overseeing the nation's diplomatic agency, and include any correspondence using a private email address to conduct official State Department business. During a March 10, 2015 news conference at the United Nations, Mrs. Clinton acknowledged that she used her private email address for official State Department business and relied on her government contacts to preserve copies of her correspondence. She said that the vast majority of her work emails went to government employees at their government addresses, which meant that "they were captured and preserved immediately."¹ In response, the Associated Press is seeking copies of all such emails that Mrs. Clinton said she expected would be retained and preserved.

The records are critical to be expeditiously examined by The AP because Mrs. Clinton is a former secretary of state who has run in the past for the presidency of the United States and has been taking formal steps to prepare for another presidential campaign.² Her use of a private email address to conduct official State Department business while exerting full control and management of that material is a matter of current exigency to the American public and any delay in the provision of that material would compromise a significant recognized interest. The records are a matter of extreme public importance such that disclosure of would not apply to any exemption sufficient to warrant withholding or unnecessary delay under the FOIA. Indeed, the only relevant public interest at stake is the extent to which disclosure of the information sought would "let citizens know 'what their government is up to.'" See *U.S. Dep't of Def. v. Fed. Labor*

¹ Ken Thomas and Julie Pace. CLINTON ON EMAILS: I SHOULD HAVE USED GOVERNMENT ACCOUNT, The Associated Press, March 10, 2015

² Ken Thomas and Steve Peoples, CLINTON FILLING OUT CAMPAIGN TEAM AHEAD OF LAUNCH, The Associated Press, March 12, 2015

Relations Auth., 510 U.S. 487, 497 (1994) (quoting *DOJ v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989)).

Prompt release of these records would contribute significantly to the public understanding of the public's understanding of Secretary Clinton's role as a senior government official, especially as voters examine her record in detail as the 2016 presidential election approaches.

Please release any information pursuant to my requests as it is received and/or reviewed by your office, rather than waiting to send me all the material I have requested. If you have questions or need to contact me, I can be reached at 202-641-9405. My email address is sbraun@ap.org

As I am making this request on behalf of the AP for use in reporting the news, no fees may be assessed for searching or reviewing documents sought by this request, and no duplication fees should be charged to the AP for the first 100 pages of material (see 5 U.S.C. § 552(a)(4)(A)(ii)(II)). AP hereby consents to pay duplication charges up to a total not to exceed \$50. Please notify me in advance before incurring any duplication charges in excess of this amount.

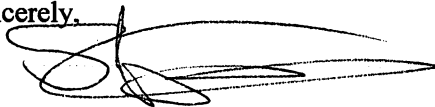
As you know, the Act permits you to reduce or waive the fees when the release of the information is considered as "primarily benefiting the public." I believe that this request fits that category and I therefore ask that you waive any fees.

If all or any part of this request is denied, please cite the specific exemption(s) that you think justifies your refusal to release the information and inform me of your agency's administrative appeal procedures available to me under the law.

To the extent that you affirm, in whole or in part, the denial of disclosure, we ask that you provide us with a list describing with specificity the categories of documents that have been withheld and explaining the grounds for the withholding (see *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973)).

I would appreciate your handling this request as quickly as possible, and I look forward to hearing from you.

Sincerely,



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